

## Ten Things You Already Know About Practice in District Court

David May, District Judge

### MOTION PRACTICE

#### **10. Make sure your motion has *sufficient* support.**

Have you provided the Court with sufficient grounds—both **legal** and **evidentiary**— to rule in your favor ***based wholly on what you filed?*** Rule 1.431(9)(no hearing necessary). *See also* Rule 1.413(3)(affidavit).

#### **9. Remember that the District Court bench is a general practice.**

Bo may not know hockey.

#### **8. Make sure your filings are not *excessive*.**

Remember the Lex Hawkins maxim.

**7. To repeat:** Focus on what the Court needs to decide “this” issue. Trim everything else—including unnecessary emotionality.

“I’m angry” does not help the Court decide your motion.

### HEARINGS

#### **6. Preparation and punctuality.**

How are hearings like job interviews?

#### **5. Avoid overscheduling.**

You can only be in one place at one time.

### GENERAL

#### **4. TALK to opposing counsel.**

E-mails and letters are **not** always good enough.

#### **3. Find ways to narrow the issues.**

“Can I tell the Court there is no resistance to this motion?” “Can we stipulate that X is admissible?”  
“Can we jointly recommend proposed instructions one (1) through twenty (20)?” *What else?*

#### **2. Anticipate needs—and give the Court a “heads up.”**

Do we need a Friday pretrial? Is a hearing date unworkable? Do you (really) need an expedited ruling?

#### **1. Remember Chapter 33: “Standards for Professional Conduct.”**